

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

RALPH J. MOLINE, JR.,

Plaintiff,

1:20-CV-127

v.

UNITED STATES POSTAL SERVICE, and  
UNITED STATES OF AMERICA

Defendants.

---

**STIPULATION**

WHEREAS, Plaintiff commenced this action against the United States of America and the United States Postal Service under the Federal Tort Claims Act (“FTCA”);

WHEREAS, pursuant to 28 U.S.C. § 2679(b)(1), F.D.I.C. v. Meyer, 510 U.S. 471 (1994), and Robinson v. Overseas Military Sales Corp., 21 F.3d 502 (2d Cir. 1994), the United States is the only proper defendant in an FTCA action;

WHEREAS, pursuant to 28 U.S.C. § 2679(a) and the above cited caselaw, federal agencies, like the United States Postal Service, may not be sued under the FTCA;

NOW, THEREFORE, the parties stipulate and agree that:

1. The United States Postal Service shall be dismissed from this action;
2. This action shall proceed against the United States only; and
3. The case caption shall be amended to delete the United States Postal Service as a party.

JAMES P. KENNEDY, JR.  
United States Attorney

DATED: April 29, 2020

BY: s/ Michael S. Cerrone  
MICHAEL S. CERRONE  
*Attorney for Defendants*

DATED: April 29, 2020

/s/ Nicholas J. Shemik  
NICHOLAS J. SHEMIK  
*Attorney for Plaintiff*

SO ORDERED.

LAWRENCE J. VILARDO  
United States District Judge